



IN REPLY
REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

TK/GFW
A016186

MP-460
WTR-4.10

JUL 26 2010

STATE WATER RESOURCES
CONTROL BOARD
DIV. OF WATER RIGHTS
SACRAMENTO
10 JUL 27 AM 9:42

Ms. Victoria A. Whitney
Deputy Director for Water Rights
Attention: Mr. Greg Wilson
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Subject: Notice of Petition for Temporary Change Involving the Transfer of up to
15,000 Acre-Feet of Water to Four State Water Contractor Agencies Under
License 11395 (Application 16186)

Dear Ms. Whitney:

The Bureau of Reclamation (Reclamation) is in receipt of the subject Notice from the Division of Water Rights (Division) and provides the following comments.

Merced Irrigation District (Petitioner) proposes to transfer up to 15,000 acre-feet of water under the subject license by temporarily adding municipal, industrial, salinity control, fish and wildlife enhancement, and water quality control as authorized purposes-of-use, Banks Pumping Plant as an authorized point-of-rediversion, and the State Water Project's service area to the authorized places-of-use. Petitioner requests to transfer this water between July 1, 2010, and September 30, 2010. Petitioner proposes to make transferable water available by releasing water from Lake McClure to the Merced River.

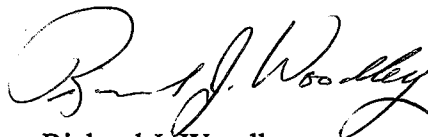
Implementation of the proposed transfer could adversely affect the operations of the Central Valley Project (CVP) when Reclamation is required to release supplemental project water to meet legal requirements for maintaining water quality and fish and wildlife. However, the Petitioner states in its petition that it is willing to accept reservoir refill criteria to ensure no injury occurs to downstream water right holders as a result of the transfer. Reclamation has been providing Petitioner comments to its draft refill criteria, Exhibit A to its water transfer agreement, Lake McClure Refilling Conditions and Procedures for Water Transfer from Merced Irrigation District to Participating State Water Contractors, and associated Exhibits B-1 and B-2. Therefore, Reclamation requests that the Order issued by the Division approving this proposed transfer contain the following conditions.

1. Prior to the release of transfer water, Petitioner shall enter into a reservoir refill agreement containing conditions, criteria and procedures that ensure that CVP operations and water rights are not adversely impacted by future refill following the release of transfer water. Implementation of the proposed transfer is subject to that reservoir refill agreement.
2. During the transfer period, Petitioner shall communicate with Reclamation and shall coordinate its operations and the timing of releases of transfer water with Reclamation in order to ensure that Reclamation is not injured in the event that Reclamation is releasing water from Goodwin Reservoir to meet water quality objectives at Vernalis.

Reclamation is currently reevaluating the language contained in reservoir refill agreements that have conditioned refill by the Petitioner and other transferors. Therefore, Reclamation reserves the right to propose alternative language in refill criteria relative to any and all future transfer proposals in order to protect the water rights or operations of the CVP, especially in the case of long-term transfer proposals.

Questions may be referred to Mr. Bob Colella, Water Rights Specialist, at 916-978-5256 or email rcolella@usbr.gov.

Sincerely,



Richard J. Woodley
Regional Resources Manager

cc: Merced Irrigation District
c/o Marc Van Camp
MBK Engineers
1771 Tribute Road, Suite A
Sacramento, CA 95815